

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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:
JASON WINTERS, :
Plaintiff, :
:
-against- : 19-CV-7272 (VSB)
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WARDEN K. SMALLS, et al., : **ORDER**
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Defendants. :
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VERNON S. BRODERICK, United States District Judge:

On August 2, 2019, Plaintiff, proceeding *pro se*, filed this action against Defendants Warden K. Smalls, Captain Barnaby, Deputy Cook, Correction Officer Gauman, and Captain Stokes. (Doc. 2.) The most recent conference in the case, scheduled for August 30, 2021, was adjourned because Plaintiff was released from custody with no forwarding address and could not be contacted. (Doc. 57.) On August 24, 2021, I ordered Plaintiff to provide the Pro Se Office with his new address as soon as possible, and ordered Defendants to try to locate Plaintiff. (*Id.*) Plaintiff did not update his address, so on November 18, 2021, I again ordered Plaintiff to provide the Pro Se Office with his new address, and I warned Plaintiff that if he “fail[ed] to do so or otherwise demonstrate that he intends to prosecute this litigation, I may dismiss this case for failure to prosecute pursuant to Federal Rule of Civil Procedure 41(b).” (Doc. 58.) I also ordered Defendants to continue trying to locate Plaintiff and to submit a letter updating the Court on those efforts. (*Id.*) On December 1, 2021, Defendants informed the Court that they were unable to locate Plaintiff, despite numerous attempts at various addresses. (*See* Doc. 59.) On December 2, 2021, I ordered Plaintiff, for the third time, to provide the Pro Se Office with his

new address as soon as possible, and warned that if he did not do so by January 3, 2022 at the latest, "I may dismiss this case for failure to prosecute pursuant to Federal Rule of Civil Procedure 41(b)." (Doc. 60.) I also ordered Defendants to serve Plaintiff with a copy of the order at all addresses on file. (*Id.*) Plaintiff has failed to update his address or otherwise demonstrate that he intends to prosecute this litigation.

Accordingly, this action is dismissed without prejudice pursuant to Rule 41(b). Defendants are directed to serve Plaintiff with a copy of this new order at all addresses on file and to file an affidavit reflecting such service. The Clerk of Court is respectfully directed to close the case.

SO ORDERED.

Dated: January 4, 2022
New York, New York



Vernon S. Broderick
United States District Judge